

REMARKS

Claims 1-6 and 8 are pending in this application. By this Amendment, the specification and claim 1 are amended. Claim 7 is canceled without prejudice to or disclaimer of the subject matter contained therein. Claim 1 is amended merely to clarify the subject matter of the invention. Thus, no new matter is added.

The Drawings

The drawings are objected to under 37 C.F.R. §1.83(a). Specifically, the Office Action alleges that the partition plate integrated with the motor case, as recited in claim 7, is not shown in the drawings. As claim 7 is canceled, the objection to the drawings is moot. Accordingly, Applicants request the rejection to the drawings under 37 C.F.R. §1.83(a) be withdrawn.

The Specification

The specification is objected to because the reference character "20" is used to designate both a "bolt" and an "outer air vent" on page 6, at line 4. The specification is amended in reply to the objection. Accordingly, Applicants respectfully request the objection to the specification be withdrawn.

Rejection Under 35 U.S.C. §102

Claims 1-3 and 8 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,844,336 to Ohya et al. ("Ohya"). The rejection is respectfully traversed.

Applicants assert that Ohya does not disclose a starter for an internal combustion engine, comprising ... a circumferential groove formed between the partition plate and the frame to connect the speed reduction chamber and the outside, as recited in independent claim 1.

Although the Office Action alleges that Ohya discloses the circumferential groove as recited above, the Office Action provides no support for the rejection of the feature in Ohya. Furthermore, if the center plate 43 of Ohya is interpreted to correspond to the claimed partition plate, the center plate 43 of Ohya is not disposed between the motor case 44 and the frame 17 for

forming a motor chamber and a speed reduction chamber, as recited in claim 1. Rather, the center plate 43 is disposed between the motor casing 44 and the top plate 12 and not the frame 17.

Additionally, the center plate 43 and the frame 17 do not form a circumferential groove to connect the speed reduction chamber in the outside. Furthermore, even were the top plate 12 interpreted as the frame, such an interpretation still would not disclose a circumferential groove that connects the speed reduction chamber to the outside. Although Fig. 2 of Ohya shows a series of recesses 12b and protruding portions 12a in the top plate 12, there is no indication of a circumferential groove formed to connect the speed reduction chamber and the outside.

The Office Action also alleges that the top plate 12 of Ohya corresponds to the seal member, as recited in claim 2. However, in Ohya, the internal teeth ring gear 15 is formed along the inner periphery of a top plate 12 so that the top plate 12 is used as a ring gear member (col. 3, lines 41-43). Accordingly, the top plate 12 does not correspond to a seal member, disposed between the frame and the partition plate, for preventing lubrication oil from leaking out of the speed reduction chamber, as recited in claim 2. Thus, the top plate 12 does not correspond to the seal member recited in the claims 2 and 8.

Regarding claim 8, Applicants further assert that Ohya does not disclose the additional feature of a water drain pipe connected to the circumferential groove and integrated with the seal member.

Rather, the drain channel 51 of Ohya is formed in an inner periphery of the opening of the pinion housing 17 adjacent to the motor 3 so that the drain channel 51 extends along the output shaft 4 or along the axis of the shift chamber casing at a lower most part of the pinion housing 17 in the installed state of the starter (col. 5, lines 51-58). Thus, Ohya does not disclose the additional feature recited in claim 8. Accordingly, Applicants respectfully request the rejection of claims 1-3 and 8 under 35 U.S.C. §102(b) be withdrawn.

Rejections Under 35 U.S.C. §103

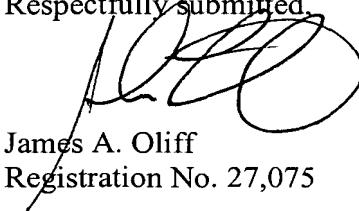
Claims 4 and 5 are rejected under 35 U.S.C. §103(a) as unpatentable over Ohya in view of U.S. Patent 5,370,700; claim 6 is rejected under 35 U.S.C. §103(a) as unpatentable over Ohya; and claim 7 is rejected under 35 U.S.C. §103(a) as unpatentable over Ohya in view of U.S. Patent 5,156,057 to Isozumi. As claim 7 is canceled, the rejection of that claim is moot. Applicants respectfully traverse the rejection of claims 4-6.

Applicants assert that claims 4-6 are allowable for at least their dependency on independent claim 1, for the reasons discussed above, as well as for the additional features recited therein. Furthermore, because none of the additional applied references, whether considered alone or in combination, disclose or suggest each and every feature recited in amended claim 1, Applicants respectfully request the rejection of claims 4-6 under 35 U.S.C. §103(a) be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 and 8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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